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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,465	08/31/2001	Dennis G. Hall	P287-USa1	9422

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EXAMINER

LIPMAN, BERNARD

ART UNIT

PAPER NUMBER

1713

DATE MAILED: 10/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/943,465

Applicant(s)

HALL, DENNIS G.

Examiner

Bernard Lipman

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-83 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-83 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 1-12, drawn to reactive polymer support, classified in Class 525, subclass 326.1+.

II. Claims 16-26, drawn to a method of making a polymer support, classified in Class 525, subclass 380.

III. Claims 27-33, drawn to a different reactive polymer support, classified in Class 525, subclass 332.2.

IV. Claims 34 and 35, drawn to a method for producing the polymer support of Group III, classified in Class 525, subclass 337.

V. Claims 36-43, drawn to further treatment of polymer supports to produce compounds, classified in various classes and subclasses.

VI. Claims 44-63, drawn to a method of compound synthesis, classified in various classes.

VII. Claim 64, drawn to a polymer blend, classified in Class 525, subclass 191+.

There are also Groups VIII, claims 65-70, Group IX, claims 71-76 and Group X, claims 77-83 each further to different methods of synthesis of different compounds classified in various classes.

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The inventions are distinct, each from the other because of the following reasons:

In each instance of Group I combined with Group II and Group III combined with Group IV, the products could be made by materially different processes, for example by polymerizing functionalized monomers. The synthesis of compounds and purification of compounds can also be done by different methods and each of these is designed for the synthesis of different compounds using materially different components to effect synthesis. All of these groups are, therefore, properly restricted one from the other.

Applicant should note that claims 13-15 have not been grouped insofar as they refer to claim 1 as being dependent thereon, but are drawn to method steps. It is not clear, therefore, where these claims belong or whether they are meant to modify the compound's polymer support of Group I.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classifications, restriction for examination purposes as indicated is proper.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

2. Applicant is further required to make an election of species if Groups I-IV are elected, and this election of species must be to the specific polymer substrate. Furthermore, if the method of producing compounds is elected, the specific support of the polymer as well as the specific compound being produced in combination needs to be elected also. This is a requirement for election of species and, in order for the response to be complete, election must be made even though applicant traverse the restriction requirement. Applicant is further required to identify which claims read on the species elected.



Bernard Lipman
Primary Examiner
Art Unit 1713

BL:cdc
September 29, 2003